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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,249	07/31/2003	Kenneth J. Ouimet	2297-050CON	4787
7590 Meschkow & Gresham, PLC Suite 409 5727 N. 7th Street Phoenix, AZ 85014			EXAMINER BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
			3628	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/18/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,249	<b>Applicant(s)</b> QUIMET, KENNETH J.	
	<b>Examiner</b> Igor N. Borissov	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

Amendment received on 9/18/2006 is acknowledged and entered. Claims 2 and 8-9 have previously been canceled. Claims 1 and 6 have been amended. Claims 1 and 3-7 are currently pending in the application.

### ***Remarks***

For purposes of examination the examiner understands the phrase: "In an enterprise planning model, a computer program residing in memory and executable by a processor, said computer program enabling visualization of an effect of a strategic constraint on a primary goal of an enterprise, said computer program instructing said processor to perform operations comprising:" as: *"A computer-readable medium having computer-readable instructions embedded therein, which when executed by a computer causing said computer to implement a method for visualization of an effect of a strategic constraint on a primary goal of an enterprise, comprising:"*.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teran et al. (US 5,521,814) in view of Maruyama et al. (US 5,267,346).**

Teran et al. teaches a computer-implemented process optimization and control system configured to perform the following steps:

selecting said primary goal of said enterprise planning model from a plurality of primary goals (C. 4, L. 8-9);

representing said primary goal by a primary objective function, said primary objective function being affected by a set of operational variables, each of said operational variables representing an operational decision that a user seeks to optimize in order to reach said primary goal (C. 3, L. 66 – C. 4, L. 7; C. 4, L. 10-22);

representing said strategic constraint by a constraint function, said constraint function being affected by a subset of said operational variables, and said strategic constraint being a factor that said user seeks to analyze in conjunction with said primary goal (C. 4, L. 28-40);

constructing an effective objective function (optimizing the model by inputted values) (C. 1, L. 46-47; C. 4, L. 28-40);

optimizing said effective objective function with respect to said operational variables over a range of values of said weighting factor for said constraint function to obtain operational decisions for said operational variables, said optimizing operation optimizing said effective objective function for each of said values of said weighting factor (C. 5, L. 42-53);

determining, from said optimizing operation, a plurality of outcomes of said primary objective function in response to said range of weighting factors (C. 5, L. 53-55);

presenting a graphical view of said plurality of outcomes of said primary objective function versus values of said constraint function corresponding to said values of said weighting factor such that effects of said strategic constraint on said primary goal can be readily perceived by said user to manage said enterprise (C. 5, L. 62-65).

Teran et al. does not explicitly teach that said constructing an effective objective function includes subtracting said constraint function weighted by a weighting factor from said primary objective function.

Maruyama et al. teaches a computer-implemented problem solving system configured to optimize constrained combinations of discrete variables, wherein the computation algorithm includes subtracting (adding) a predetermined value from (to) objective function value (See Cl. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Teran et al. to include that that said constructing an

effective objective function includes subtracting said constraint function weighted by a weighting factor from said primary objective function, as suggested in Maruyama et al., because it would advantageously allow to efficiently solve constrained combination satisfaction problems and optimization problems for discrete variables, by using to the maximum, failure information obtained up to the current point in processing in subsequent processes, as specifically stated in Maruyama et al. (C. 3, L. 35-42).

Claims 3-7, same reasoning as applied to claim 1.


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, see form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB  
12/11/2006



IGOR N. BORISSOV  
PRIMARY EXAMINER